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C O N F I D E N T I A L TOKYO 002977

SIPDIS

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TAGS: MARR PGOV PINR PREL JA
SUBJECT: JMSDF TO CONDUCT ANTI-PIRACY OPERATIONS?

Classified By: AMBASSADOR J. THOMAS SCHIEFFER, REASONS 1.4(B) AND (D).

¶11. (C) SUMMARY: Prime Minister Aso is considering deploying Japanese Maritime Self-Defense Forces (JMSDF) to waters off of Somalia to protect Japanese commercial shipping vessels. The Japanese government is also in the early stages of drafting a new law that would allow JMSDF vessels to protect third-country shipping for possible introduction in the Diet in spring 2009. While the Japanese Coast Guard has expertise in piracy interdiction, some officials say that the scope of what Japan is considering is beyond the Coast Guard's current capabilities, a position the Coast Guard opposes. END SUMMARY.

Ready to Protect, But...

¶12. (C) Cabinet Secretariat Office of National Security and Crisis Management Counsellor Kenichi Takahashi told Embassy Tokyo 21 October that under existing Japanese law Maritime Self-Defense Force ships can be deployed to protect Japanese nationals and vessels on the high seas if ordered to do so by the Prime Minister. Under the current law, however, JMSDF operations are limited to the protection of Japanese vessels only, and are specifically prevented from protecting third country ships and citizens. Takahashi noted that this is the main obstacle for Japan to engage in anti-piracy operations, either in Somali waters or elsewhere.

¶13. (C) In recent weeks, senior Japanese politicians from both the opposition and ruling parties, including the Prime Minister, have signaled their support for legislation allowing Maritime Self-Defense Force ships to protect third country commercial vessels. Takahashi said Japan, as a party to the United Nations Convention on Law of the Sea, recognizes its obligations to help ships in distress on the high seas and noted enacting a new law would enable Japan to fulfill its international commitments.

New Legislation - But When?

¶14. (C) The proposal for new legislation has gained momentum because of recent supportive statements made by PM Aso during Diet questioning, but Takahashi noted that the Cabinet Secretariat, Ministry of Defense (MOD), and Ministry of Foreign Affairs (MOFA) have been conducting informal studies on the matter "for some time." Takahashi said a bill could

be introduced in the Diet in spring 2009. He stressed, however, that the Japanese government would not introduce the bill until after the next general election. He said the newly established Cabinet Office Maritime Policy Headquarters has the lead for drafting the law, and would coordinate with the Cabinet Secretariat, MOD, and MOFA.

¶ 15. (C) Takahashi noted that there are a number of challenges facing the proposed new law, including the existing constitutional ban on the use of force abroad. He said the new law would need to include a provision for the use of force. The Japanese government would further need to consider the issue based on the assumption that attacks would be carried out by criminal groups, and not by states or "state-like entities." Takahashi predicted that this matter would cause the greatest amount of debate in the Diet.

¶ 16. (C) Takahashi was optimistic, however, that despite the current uncertain political situation in Japan, thanks to support from both the ruling Liberal Democratic Party (LDP) and opposition Democratic Party of Japan (DPJ) there was a good chance the bill would be passed. Takahashi added there is increasing public awareness in Japan of the need to address this issue because of pirate attacks on Japanese vessels in October 2007 and April 2008, and the rescues of these ships by the U.S. and German navies, not the JMSDF.

Whither the JCG?

¶ 17. (C) Embassy contacts at the Japanese Coast Guard have said that some senior officials would also like to see the Coast Guard more deeply involved in anti-piracy operations. Takahashi said, however, the JMSDF was more appropriate, at least for operations off of Somalia. He said the envisioned operation would require firepower beyond the Coast Guard's capabilities, that the area of action was "geographically too far" from Japan for the Coast Guard to make sense, and that other countries have sent naval assets, not coast guard, to fight pirates. Nevertheless, MOD Operations Bureau officials have told the Embassy that the Coast Guard has resisted any role for the Maritime Self-Defense Forces under the new law.

SCHIEFFER